IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3234 OF 2006

Harsha Bhaichand Shah ...Petitioner

V/s.

Bank of Maharashtra & Ors. ...Respondents

Shri.A.M. Paralikar for the Petitioner.
None for the Respondents.

CORAM : V.M. KANADE, J.

DATED : 6th MARCH, 2007.

P.C. :-

1. Heard learned counsel for the Petitioner.

2. The petitioner takes exception to the order passed by Civil Court(Senior Division), Pune, who by order dated 20/09/2005 rejected the application filed by the petitioner for impleading Bank of India as a party/defendant in the suit which was filed by Bank of Maharashtra.

3. Learned counsel for the petitioner submitted that no reason has been given and cryptic order was passed by the Trial

Court. He submitted that the present petitioner had filed written statement and specific averment has been made against Bank of India and it is contended therein that false information was given by the said Bank to the plaintiff and to the defendants. It is also contended that if proper information regarding financial credibility by defendant No.3 had been given then defendant No.1 would have never entered into transaction with the plaintiff in respect of financial dealing with defendant No.3. In my view, there is no reason to interfere with the order passed by the Trial Court. Suit which was filed by the plaintiff in 1990 is still pending since then. Present application has been filed on 07/03/2006.

4. Considering the pleadings of the parties, in my view, the Trial Court justified in coming to conclusion that Bank of India was not a proper and necessary party to the suit.

5. Writ petition is dismissed. Suit is expedited.

V.M. KANADE, J.